IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO: 1828 of 1998

Between:

N.Raghavaiah S/o N.Kotaiah
R/o H.No.11-3-19,Boddu Chavidi Street, Bahadurpet,
Srikalahasti, Chittoor District.

... PETITIONER

AND

1. The Principal Secretary to Government,
Labour Employment, Training and Factories (LAB.I)Department,
Secretariat, Hyderabad.
2. The Depot Manager,
Andhra Pradesh State Road Transport Corporation,
Srikalahasti Depot, Srikalahasti.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ more particularly one
in the nature of writ of mandamus declaring the letter No.1106/Lab.I/A2/97-1,dt.28-2-97 refusing to refer the dispute for adjudication as illegal and arbitrary and consequently direct the respondent-Government to make a reference to the appropriate Industrial Tribunal.

Counsel for the Petitioner: MR. G. VIDYASAGAR

Counsel for the Respondent No.1: MR. A. V. SIVAIAH

Counsel for the Respondent No.2: NONE APPEARED

The Court made the following:

ORDER: -

This writ petition is filed seeking *mandamus* declaring the letter No.1106/Lab.I/A2/97-I, dated 28-02-1997 of the first respondent, refusing to refer the dispute raised by the petitioner for adjudication, as arbitrary and illegal and consequently to direct the first respondent to make a reference to the appropriate Industrial Tribunal.

2. It seems that while the petitioner was working as a Conductor, he has been imposed with punishment of stoppage of increments for three years with cumulative effect, by an order dated 10-12-1982. Aggrieved by the same, the petitioner filed an appeal before the Divisional Manager, Tirupathi and the same was also rejected on 26-06-1984. Thereafter, the petitioner did not pursue the matter. After more than ten years, the petitioner through the Union raised a dispute with the Assistant Commissioner of Labour, and on failure of the conciliation, the Assistant Commissioner of Labour reported to the Government to consider the case by referring it to the appropriate Tribunal, for adjudication. The Government through its proceedings dated 28-02-1997 rejected to refer the matter for adjudication to the industrial Tribunal on the ground that it does not merit reference, as it was a belated dispute, which was raised after more than ten years. Aggrieved by the same, the present writ petition is filed.

3. Admittedly, the punishment of deferment of increments for three years with cumulative effect was ordered by an order of the disciplinary authority dated 10-12-1982. Thereafter, the matter was carried in appeal and the appeal was dismissed on 26-06-1984 confirming the order passed by the disciplinary authority. After having waited for more than 12 years, the petitioner has raised the industrial dispute through the Union, and on reporting failure of the conciliation by the Assistant Commissioner of Labour; the Government considered the matter and refused to refer to the industrial Tribunal, on the ground of belated dispute. I am of the opinion that no irregularity has been committed by the first respondent in rejecting the case of the petitioner, for being referred to the industrial Tribunal for adjudication. We are in 2005. Admittedly, the original proceedings were issued in the month of December

1982 and the dispute has been raised, after more than 12 years before the Assistant Commissioner of Labour. Hence, I am of the opinion that the writ petition is devoid of merits and the impugned order does not call for any interference of this Court under Article 226 of the Constitution of India.

4. In the result, the writ petition is dismissed No order as to costs.

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C. V. RAMULU, J

Dt.18-07-2005

GLV

ASSISTANT REGISTRAR

Copies to:

1. The Principal Secretary to Government,
Labour Employment, Training and Factories (LAB.I)Department,
Secretariat, Hyderabad.
2. The Depot Manager,
Andhra Pradesh State Road Transport Corporation,
Srikalahasti Depot, Srikalahasti.

3. Two CD copies

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